

LABOUR AND EMPLOYMENT
DEPARTMENTS

The 1st January, 1968

No. 12017-2Lab-67/37544.—The President of India is pleased to terminate the services of

Shri S. K. Sharma, Temporary Assistant Employment Officer, District Employment Exchange, Ambala with effect from 30th November, 1967 (A. N.) in accordance with the terms of his temporary appointment.

R. I. N. AHOOJA, Secy.

LABOUR DEPARTMENT

The 1st January, 1968

No. 12540-3Lab-67/30.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the Management of M/s Prestlay Duggal and Co. India (P) Ltd., Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 86 of 1967

between

The workmen and the management of M/s Prestlay Duggal and Co. India (P) Ltd, Faridabad.

Present.—

Shri Darshan Singh for the workmen.

Nemo for the management.

AWARD

The Governor of Haryana in exercise of the powers vested in him by clause (c) of sub-section (1) of Section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947 referred the following dispute to this Court for adjudication *vide* gazette notification No. 412-SF-III-Lab-67, dated 7th September, 1967 :—

Whether the termination of services of Sarvshri Parkash Chand, Darbara Singh and Karan Singh was justified and in order? If not, to what relief are they entitled?

On receipt of the reference usual notices were issued to the parties. Shri Darshan Singh appeared on behalf of the workmen but no body appeared. On behalf of the management although service was effected on the respondent concern by registered post. The workmen were, therefore, ordered to produce their *exparte* evidence in support of their allegations on 21st November, 1967. On the date fixed Shri S. L. Gupta in his capacity as authorised representative of the management filed an application alleging that the management could not attend the Court on the last hearing of the case because the relevant papers were with their manager who was at that time out of station and for this reason could not convey necessary instructions to any man. A prayer was, therefore made that the order directing that *exparte* proceedings be taken against the management be set aside. As prayed it was ordered that *exparte* proceedings would be set aside on payment of costs and the case was adjourned to 23rd November, 1967. On the date fixed Shri S. L. Gupta made a statement that he had no instructions to appear on behalf of the management although he had informed them of the orders of this Court and the date fixed in the case. So there was no option to ask the workmen to produce their *exparte* evidence.

All the three workmen namely Sarvshri Parkash Chand, Darbara Singh and Karan Singh have appeared as their own witnesses in support of their case. Shri Parkash Chand has stated that he was employed as a Jamadar on 1st September, 1965 at Rs 170 p.m. and his services were terminated on 13th June, 1967. Shri Darbara Singh has stated that he was employed as a Jamadar Khalasi on 21st July, 1965 at Rs 205 p.m. and his services were also terminated on 13th June, 1967. Shri Karan Singh has stated that he was employed as a skilled Khalasi on 1st April, 1965 at Rs 155 p.m. and his services were terminated along with the termination of the services of the other two workmen namely Parkash Chand and Darbara Singh on 13th June, 1967. All the workmen have stated that they were not given any charge sheet nor any managerial inquiry was held against them. They allege that their services were terminated on account of their trade union activities and they have remained un-employed since then. They have prayed for reinstatement with full back wages with continuity of service. There is no reason to disbelieve the sworn testimony of the workmen and I hold that the termination of their services was not justified and in order that they are entitled to reinstatement with full back wages with continuity of service. No order as to costs.

Dated the 19th December, 1967

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

No. 1789

Dated 25th December, 1967

This award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.